

REMARKS

I. Summary of Office Action

Claims 1-33, 109-141, 217-249, and 325-357 are pending in this application. The Examiner makes several rejections of these claims under 35 U.S.C. § 103(a).

More specifically, claims 1-3, 6-21, 23-25, 109-111, 114-129, 131-133, 217-219, 222-237, 239-241, 325-327, 330-345, and 347-349 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler et al. U.S. Patent No. 5,907,323 (hereinafter "Lawler I") in view of Jeffers et al. U.S. Patent No. 5,036,537 (hereinafter "Jeffers").

Moreover, claims 4, 112, 220, and 328 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler I in view of Jeffers in further view of Look et al. U.S. Patent No. 6,757,906 (hereinafter "Look").

Finally, claims 5, 22, 26-33, 113, 130, 134-141, 221, 238, 242-249, 329, 246, and 350-357 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler I in view of Jeffers in further view of Lawler U.S. Patent No. 6,699,107 (hereinafter "Lawler II").

II. Summary of Applicant's Reply

Applicant submits that the Examiner's combination of references fails to show or suggest all of the claimed features recited in applicant's independent claims. Applicant further submits that even if the combination of references were to show or suggest all of applicant's claimed features, there is no motivation for combining the references.

For at least these reasons, applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103(a) and requests that the rejections be withdrawn.

III. The 35 U.S.C. § 103(a) Rejections

A. Applicant's Independent Claims

Applicant's independent claims 1, 109, 217, and 325 relate generally to systems, a computer-readable medium, and a method for supporting programming blackouts in an interactive television program guide. Blackout information regarding at least one blacked-out program is received with the interactive television program guide. A user indication of a program is also received with the interactive television program guide. The blackout information regarding the at least one blacked-

out program is displayed with the interactive television program guide in response to receiving the user indication.

B. The Cited Prior Art

Lawler I refers to a method for displaying an interactive viewer panel containing summary information relating to programming available on an interactive television system. (See Lawler I, Abstract). A cursor is rendered on the display screen showing programming schedule information by "changing the graphic characteristics" of the program tile where the cursor is positioned. (Lawler I, FIG. 3B and col. 5, lines 31-40). The display screen may show time, channel, and program name information in the program tiles in a grid format. Id.

Jeffers refers to a geographic black-out method. (See Jeffers, Abstract). Each satellite receiver unit is associated with "a designation code memory and a black-out tier memory." (Jeffers, col. 4, lines 18-19). By separately addressing each receiver unit, a designation code may be provided to each unit for storage in the designation code memory. The designation codes "represent different geographic areas." (Jeffers, col. 4, line 22). By comparing a program tier indication accompanying a transmitted program with the

black-out tier information in the black-out tier memory, each receiver unit may determine if the program is blacked-out. If the program is blacked-out, the receiver unit is "unable to display that program." (Jeffers, col. 4, line 36).

C. The Combination of Lawler I and  
Jeffers Fails to Show or Suggest  
All of Applicant's Claimed Features

The Examiner contends that Lawler I discloses "receiving blackout information regarding at least one program" and "displaying the blackout information . . . with the interactive television program guide" (See Office Action, page 3). Applicant respectfully disagrees and submits that Lawler I fails to show or suggest any blackout functionality or blackout support whatsoever.

The Examiner seems to suggest that Lawler I shows receiving and displaying blackout information because applicant's specification lists several examples of information that may be used as blackout information, and Lawler I allegedly receives and displays one of applicant's listed examples. (See Office Action, page 3). For example, applicant's specification teaches that:

[t]he blackout information may include, for example, information indicating a blacked-out program, such as the program's unique ID or time

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and channel information. In some embodiments, blackout information may include blackout flags that identify programs as being blacked out . . . invalid purchase prices . . . the reason for the blackout . . . [or] a reference to replacement media.

(Applicant's specification, ¶ 0011).

The Examiner concludes, therefore, that "Applicant's specification teaches that the EPG data of Lawler is blackout information." (Office Action, page 3). Applicant respectfully disagrees.

Although Lawler does show a display screen in FIG. 3B with channel, time, and program name information for a plurality of programs, this channel, time, and program name information cannot be considered "blackout information regarding at least one blacked-out program," as required by applicants independent claims. As mentioned above, Lawler I does not mention programming black-outs and has no programming black-out support. Therefore, contrary to the Examiner's contention, Lawler I cannot show or suggest either: 1) "receiving blackout information regarding at least one blacked-out program" or 2) "displaying the blackout information regarding the at least one blacked-out program," as recited by applicant's independent claims 1, 109, 217, and 325.

Combining Lawler with Jeffers does not cure this deficiency. Jeffers' geographic black-out method operates in a traditional direct broadcast satellite system without interactive television program guide support. (See Jeffers, col. 1, lines 8-26). Therefore, Jeffers does not disclose the display of any information except traditional television programming. Even if Jeffers' blackout tier information were considered to be blackout information, this information is never displayed, particularly not with an interactive television program guide.

Accordingly, neither Lawler I nor Jeffers, alone or in combination, shows or suggests "displaying the blackout information regarding the at least one blacked-out program with the interactive television program guide," as required by independent claims 1, 109, 217, and 325.

Applicant's claimed invention, for example, may identify a program as being blacked-out using "Blacked-Out Program" indicator 1102, as shown in applicant's FIG. 11. After selecting "Blacked-Out Program" indicator 1102, display screen 1400 with blackout information may be displayed. (See Specification, FIG. 14). For example, applicant's specification teaches: "In the embodiment of FIG. 14, blackout

information such as blackout type 1402, title of the blacked-out program 1404, and replacement media 1406 may be available to the user." (Specification, ¶ 0097). Neither Lawler I nor Jeffers shows any of this functionality.

D. There is No Motivation to  
Combine Lawler I with Jeffers

Moreover, in order to establish a *prima facie* case of obviousness, there must be "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP § 2143.

In support of the combination of Lawler I with Jeffers, the Examiner states:

it would have been obvious . . . to modify the transmitted EPG data and television program data, as taught by Lawler, to include blackout tier data and incoming program tier indication, respectively, as taught by Jeffers, for the purpose of providing the capability for blacking out selected programming in certain designated geographic area."  
Office Action, pages 3-4.

Applicant respectfully submits that the Examiner has failed to provide sufficient motivation to combine the references with this statement, nor could there be any motivation due to the stark differences between Lawler I and Jeffers.

As described above, Jeffers refers to a direct satellite broadcast system without an interactive program guide. The only information that is capable of being displayed in Jeffers' system is programming content. (See Jeffers, col. 1, ll. 8-59). In stark contrast, Lawler I refers to an interactive television system with program summary displays created by an interactive program guide. (See, e.g., Lawler I, FIG. 3B). Since the system of Lawler I has no blackout support and the system of Jeffers has no interactive program guide support, it would be unrealistic to suggest that one skilled in the art would have any motivation to combine the two references, particularly in the way the Examiner has suggested.

For the foregoing reasons, applicant respectfully submits that independent claims 1, 109, 217, and 325 are allowable over the prior art of record. Applicant also submits that claims 2-33, 110-141, 218-249, and 326-257, which depend from independent claims 1, 109, 217, and 325, respectively, are allowable for at least the same reasons.

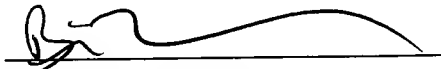


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IV. Conclusion

The foregoing demonstrates that this application is in condition for allowance. Accordingly, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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